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Magistrate Case No. 06 MS 07-1
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF: DEPUTY

**Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States**

Deported Alien Found in the United States

On or about, **August 22, 2007**, within the Southern District of California, defendant, **Guadalupe DELGADO-Zamorano**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.


SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

W. McQuinn
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: DELGADO-Zamorano, Guadalupe****PROBABLE CAUSE STATEMENT**

On August 22, 2007, the defendant identified as **Guadalupe DELGADO-Zamorano** was arrested in San Diego, California by the San Diego Police Department for violation of 666 PC "PETTY THEFT W/PRIOR JAIL" and booked into the South Bay Detention Facility. On August 23, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Monday, March 24, 2008, at approximately 10:45 a.m. the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about June 06, 2006 and physically removed to Mexico on or about June 06, 2006 via the San Ysidro Port of Entry. Record checks also revealed that the defendant was issued a Reinstatement of Removal Order on or about February 27, 2007 and was physically removed to Mexico on or about February 27, 2007 via the San Ysidro Port of Entry. Record checks and statement made by defendant indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Guadalupe DELGADO-Zamorano, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the English language at approximately 11:39 a.m. The defendant acknowledged his rights per "MIRANDA" and elected to answer questions without counsel present. The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico on two occasions and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on February 27, 2007 through San Ysidro, CA by making a false claim to United States citizenship. The defendant acknowledged that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Guadalupe DELGADO-Zamorano has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.


 Deportation Officer
 Immigration & Customs Enforcement


 UNITED STATES MAGISTRATE JUDGE